

The Gazette



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GOVERNMENT OF INDIA

CONSTITUENT ASSEMBLY OF INDIA

The following Bill was introduced in the Constituent Assembly of India on the 25th May, 1949:—

C. A. BILL II OF 1949

A Bill to amend the India (Central Government and Legislature) Act, 1946

WHEREAS it is expedient to amend the India (Central Government and Legislature) Act, 1946, 9 & 10 Geo. 6, c. 39, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the India (Central Government and Legislature) Amendment Act, 1949.

(2) It shall come into force on the 10th day of June, 1949.

2. Interpretation.—The Interpretation Act, 1889, 52 & 53 Vict., c. 63, applies for the interpretation of this Act as it applies for the interpretation of an Act of Parliament.

3. Amendment of section 2 of the India (Central Government and Legislature) Act, 1946.—In paragraph (a) of sub-section (1) of section 2 of the India (Central Government and Legislature) Act, 1946, 9 & 10 Geo. 6, c. 39—

(a) after the words “woollen textiles”, the words and brackets “raw cotton (including ginned cotton and unginned cotton or *kapas*) and cotton seed” shall be inserted;

(b) after the word “coal”, the brackets and words “(including coke and other derivatives of coal)” shall be inserted, and shall be deemed always to have been inserted.

4. Validity of certain laws made under section 2 of the India, (Central Government and Legislature) Act, 1946.—For the removal of doubts it is hereby enacted—

(a) that all laws heretofore made under section 2 of the India (Central Government and Legislature) Act, 1946, with respect to trade and Commerce (whether or not within a Province) in, and the production, supply and distribution of, coal shall be deemed to have been made under the said section as amended by this Act;

(b) that no order made under, and no action taken in exercise of any power conferred by or under, any such law shall be deemed to be invalid or called in question on the ground merely that such law

conferred or purported to confer powers in excess of the powers that might, at the time such law was made, be lawfully conferred by a law made or deemed to have been made under the said section 2.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the India (Central Government and Legislature) Act, 1946,—

- (a) so as to include "raw cotton (including ginned cotton and unginned cotton or *kapas*) and cotton seed" among the commodities specified in the Act in respect of which the Central Government have powers of control, and
- (b) so as to place it beyond doubt that "coke and other derivatives of coal" are, and have always been, included in the meaning of "coal" for the purposes of Central control.

2. The Cotton Textiles Industry is under Central control. For the success of such control it is necessary that the essential raw material, namely, cotton (both ginned and unginned) should also be brought under Central control. Central control over cotton seed may also be necessary, because the prices of unginned cotton (*kapas*), ginned cotton and cotton seed are related to each other.

3. It has always been assumed that "coke" was included in the meaning of "coal" for the purposes of the Act, and "coke" has accordingly been under Central control. Some doubt has, however, been thrown on this assumption by a recent judicial decision. It is necessary that the matter should be placed beyond doubt by an amendment of the Act.

SYMA PRASAD MOOKERJEE.

NEW DELHI;
The 17th May, 1949.

H. V. R. IENGAR,
Secretary, Constituent Assembly of India.